
PRELIMINARY DRAFT
No. 3305

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2008 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 14-8-2; IC 14-21-4; IC 14-21-1-6.

Synopsis: Courthouse preservation advisory commission. Establishes the courthouse preservation advisory commission. Requires the commission to provide assistance for courthouse related projects. Establishes the courthouse preservation fund. Requires the commission to submit a report to the legislative council. Makes conforming changes.

Effective: July 1, 2008.



A BILL FOR AN ACT to amend the Indiana Code concerning
natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-48 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 48. (a) "Commission",
3 except as provided in subsections (b) through ~~(p)~~, **(r)**, refers to the
4 natural resources commission.

5 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
6 forth in IC 14-13-1-1.

7 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
8 forth in IC 14-13-2-2.

9 (d) "Commission", for purposes of IC 14-13-3, has the meaning set
10 forth in IC 14-13-3-1.

11 (e) "Commission", for purposes of IC 14-13-4, has the meaning set
12 forth in IC 14-13-4-1.

13 (f) "Commission", for purposes of IC 14-13-5, has the meaning set
14 forth in IC 14-13-5-1.

15 (g) "Commission", for purposes of IC 14-13-6, has the meaning set
16 forth in IC 14-13-6-2.

17 (h) "Commission", for purposes of IC 14-14-1, has the meaning set
18 forth in IC 14-14-1-3.

19 (i) "Commission", for purposes of IC 14-20-4, has the meaning set
20 forth in IC 14-20-4-1.

21 (j) "Commission", for purposes of IC 14-20-11, has the meaning set
22 forth in IC 14-20-11-1.

23 **(k) "Commission", for purposes of IC 14-21-4, has the meaning**
24 **set forth in IC 14-21-4-1.**

25 ~~(k)~~ **(l)** "Commission", for purposes of IC 14-25-11, has the meaning
26 set forth in IC 14-25-11-1.

27 ~~(l)~~ **(m)** "Commission", for purposes of IC 14-28-4, has the meaning
28 set forth in IC 14-28-4-1.

29 ~~(m)~~ **(n)** "Commission", for purposes of IC 14-30-1, has the meaning
30 set forth in IC 14-30-1-2.

31 ~~(n)~~ **(o)** "Commission", for purposes of IC 14-30-2, has the meaning



set forth in IC 14-30-2-2.

(p) "Commission", for purposes of IC 14-30-3, has the meaning set forth in IC 14-30-3-2.

(q) "Commission", for purposes of IC 14-30-4, has the meaning set forth in IC 14-30-4-2.

(r) "Commission", for purposes of IC 14-33-20, has the meaning set forth in IC 14-33-20-2.

SECTION 2. IC 14-8-2-77, AS AMENDED BY P.L.1-2006, SECTION 207, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 77. "Division" has the following meaning:

(1) For purposes of IC 14-9-8, the meaning set forth in IC 14-9-8-2.

(2) For purposes of IC 14-20-1, the meaning set forth in IC 14-20-1-2.

(3) For purposes of ~~IC 14-21-1~~, **IC 14-21**, the meaning set forth in ~~IC 14-21-1-6~~: **the division of historic preservation and archeology.**

(4) For purposes of IC 14-22, the division of fish and wildlife.

(5) For purposes of IC 14-24, the division of entomology and plant pathology.

(6) For purposes of IC 14-25.5, the division of water.

(7) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-4.

(8) For purposes of IC 14-32, the division of soil conservation of the department of agriculture established by IC 15-9-4-1.

(9) For purposes of IC 14-37, the division of oil and gas.

SECTION 3. IC 14-21-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 4. Courthouse Preservation Advisory Commission

Sec. 1. As used in this chapter "commission" refers to the courthouse preservation advisory commission established by section 2 of this chapter.

Sec. 2. The courthouse preservation advisory commission is established.

Sec. 3. (a) The commission consists of the following individuals:

(1) Two (2) employees of the division.

(2) Two (2) licensed architects with experience in building preservation.

(3) Two (2) structural engineers with experience in building preservation.

(4) One (1) architectural historian.

(5) One (1) county commissioner.

(6) One (1) representative of a local community foundation.

(7) Two (2) members of the Historic Landmarks Foundation



of Indiana.

(8) One (1) representative of the Association of Indiana Counties.

(9) One (1) representative of the Indiana Association of County Commissioners.

(10) One (1) judge of a county, superior, or circuit court.

(11) The chief justice of the Indiana supreme court or the chief justice's representative.

(12) The director of the office of community and rural affairs or the director's representative.

(b) Members appointed under subsections (a)(1) through (a)(9) shall be appointed by the governor.

(c) Members appointed under subsection (a)(10) shall be appointed by the chief justice of the Indiana supreme court.

Sec. 4. (a) Members appointed under section 3(a)(1) through 3(a)(10) of this chapter serve for a term of three (3) years beginning July 1 the year of their appointment. However, a member appointed to fill a vacancy on the commission shall serve for the remainder of the unexpired term.

(b) Each appointed member of the commission serves at the pleasure of the appointing authority.

(c) The governor shall appoint a member of the commission to serve as the commission's chairperson.

Sec. 5. Each member of the commission is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 6. (a) The division shall provide staff and administrative support for the commission.

(b) Expenses incurred under this chapter shall be paid from funds appropriated to the department.

Sec. 7. The affirmative votes of at least nine (9) members of the commission are required for the commission to take any official action, including issuing reports.

Sec. 8. The commission shall do the following:

(1) Travel to county courthouses to assess potential courthouse construction projects. The assessments may include providing an appraisal of the condition of the courthouse and rehabilitation cost estimates.

(2) Provide early coordination for courthouse rehabilitation projects to encourage proper preservation practices.

(3) Review and provide recommendations on architectural



plans for courthouse related projects.

(4) Provide county officials with information concerning funding sources for courthouse preservation projects.

(5) Meet at least once per quarter.

Sec. 9. (a) The courthouse preservation fund is established to provide matching grants for courthouse rehabilitation projects. The division shall administer the fund.

(b) The fund consists of:

(1) money appropriated by the general assembly;

(2) appropriations to the fund from other sources; and

(3) grants, gifts, and donations intended for deposit in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

SECTION 4. IC 14-21-1-6 IS REPEALED [EFFECTIVE JULY 1, 2008].

SECTION 5. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "commission" refers to the courthouse preservation advisory commission established by IC 14-21-4-2, as added by this act.

(b) Notwithstanding IC 14-21-4-4, as added by this act, the initial members of the commission shall be appointed to terms as follows:

(1) One (1) employee of the division of historic preservation and archeology, one (1) licensed architect with experience in building preservation, one (1) structural engineer with experience in building preservation, one (1) member of the Historic Landmarks Foundation of Indiana, and one (1) architectural historian each for a term of three (3) years.

(2) One (1) county commissioner, one (1) representative of a local community foundation, one (1) member of the Historic Landmarks Foundation of Indiana, and one (1) representative of the Association of Indiana Counties each for a term of two (2) years.

(3) One (1) representative of the Indiana Association of County Commissioners, one (1) judge of a county, superior, or circuit court, one (1) employee of the division of historic preservation and archeology, one (1) licensed architect with experience in building preservation, and one (1) structural engineer with experience in building preservation each for a term on one (1) year.

(c) The commission shall do the following:



- 1 **(1) Investigate the need, benefit, and importance of preserving**
- 2 **courthouses in Indiana.**
- 3 **(2) Study the condition of courthouse buildings in the state.**
- 4 **(3) Study the needs of county officials to assist in the**
- 5 **restoration, rehabilitation, and maintenance of courthouses.**
- 6 **(4) Submit a report to the legislative council before August 1,**
- 7 **2011, that includes the commission's findings and**
- 8 **recommendations concerning the topics in subdivisions (1)**
- 9 **through (3). The report must be in an electronic format under**
- 10 **IC 5-14-6.**
- 11 **(d) This SECTION expires July 1, 2012.**

